G. R. S. IX-5]

Previous references. 1869-70

~~191~~ .

(Mysore)

Later references

File No. 1 of 1869

Serial Nos.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 1

Part B

~~Part~~ B for

SUBJECT.

Petition of Alsingiah Archik of Devarahosahalli
Anjaneya Temple regarding his claim to the Pujari Huk-

Incomplete

Indexed

W D 88—GPB—50,000—24-7-16

No. -31

Mem. 1-69

Memorandum

I beg to submit the following report on the papers received with the Chingleput Division Superintendent's Docket No. 5626/527 dated 22nd March 1870, relating to the case noted in the margen.

Plaintiffs

Alasingaraiah.
Lutchmi Narasiah
Terrgaiah
Senigaraiah.

Sons of Dasappah Archuk of the Anjanayaswami Davaroo temple, Davara Hosahully Village Channa-patna Taloob

Defendants.

Ramiah.
Venkatroyah
Kristniah.
Croomaliah

Sons of Hemmanum-galum Venkata Sunjeeviah

2. The Plaintiffs sued the Defendants in the Channapatna Taloob Court, on the 18th October 1864, and in their plaint, the Plaintiffs stated that their ancestors were originally the sole Hucklars to the Poojaree right of the temple of the Anjanayaswami Davaroo in the Davara Hosahully Village; that their ancestors to provide against accidents and contingencies requested the ancestors of the Defendants to officiate during their absence; that the forefathers of the Defendants usurped one half of the emoluments and continued to perform the Poojah in the temple for 6 months in the year, allowing the Plaintiffs to perform the Poojah for 6 months, that the Plaintiffs &

defts

&dl

Defendants are three Co-sharers in the Huck; that one of the ancestors of the Defendants mortgaged their right of 3 months Poojah, to the father of the Plaintiffs; that taking advantage of the absence of the Plaintiffs, one of the Defendants misrepresented to the Sirkar that the Temple is deprived of Poojah, whereupon the Sirkar ordered that one of the Plaintiffs' heirs should be appointed to perform the Poojah; that that order was neglected, and the 4th Defendant was appointed to perform the Poojah instead of the Plaintiffs; and the Plaintiffs prayed that their ancient right of performing the Poojah for 6 months, as well as the right of Poojah for 3 months, which was mortgaged to their father may be recovered for them from the Defendants; and also that certain ornaments of the temple which were proved to have been misappropriated by the Defendants may also be recovered.

3. The Plaintiffs produced 14 documents. Of these, the 1st document dated in 1825/26, was executed by Venkata Sanjeeviah to one Seenappah, on the subject of the mortgage of certain land from the former to the latter, but it contains no mention of any mortgage,

of

of the Poojaree Hucks. The 2d document dated in 1827/28 was executed by Poojaree Dasappah the father of the Plaintiffs to the said Seeramappah. In this document, Dasappah binds himself as surety for Devendai Sunjeeviah evidently an ancestor of the Defts for the payment of 11½ Pagodas, but nothing is stated about any Poojaree Hucks. The 3 document is an Endorsement on the petition of the Plaintiffs directing them to the Amildar. The 4th document is also an Endorsement directing the Plaintiffs to wait pending the receipt of orders.

4. Five witnesses for the Plaintiffs were examined; two of them stated that Alasingariah the 1st Plaintiff is entitled to perform the Poojah for 6 months, and Krishniah the 3d Defendant is entitled to the right of 6 months, in which the deponents also hold shares; that Alasingariah was himself formerly performing the Poojah, but since 15 years the 4th Defendant was appointed to act for him. Of the remaining witnesses one stated that the 1st Plaintiff having requested him to attest a certain document which he stated he executed to his caste people

this

effd

the deponent signed it, but he does not know what were its contents: The other 2 witnesses, who are the heirs of 2 persons, who attested the document but since deceased, deposed that they have no knowledge of anything on the subject.

5. The 1st, 2d, and 3d Defendants denies the Huck of the Plaintiffs, and stated that they are the Huckdars; that the grandfather of the Plaintiffs was called in by their (Defdts) ancestors to help them, but Plaintiffs never enjoyed the original Huck in question; that in the year 1831/32, when the Defendants filed a suit, the Plaintiffs distinctly admitted their inability to establish their claim to the Poojaree Huck; that the Defendants were declared to be the Huckdars; that an order was received from the Sowzdar to make over the temple to the Defendants; that the Defts never were in a circumstance to mortgage the 3 months' Huck to the Plaintiffs; that in 1851, the Plaintiffs committed theft of the temple property, which having been proved the 1st Plaintiff was against the Amildar's recommendation, dismissed by the Hoozoor (Superintt); that the Amildar having once

case

Hoozoor (Superttt) issued an order to the Tahsildar that he (1st Plaintiff) deserved dismissal but that if Seroomaliah (the 4th Defendant stated to be a Kinsman of the 1st Plaintiff were found fit, the Poojah might be performed by him, but that there is no order which directs that the Plaintiff's representative or heir should be allowed to perform the Poojah.

6. The 4th Defendant Seroomaliah stated that he never executed any document to the Plaintiffs, agreeing to give up to them the right of performing the Poojah, whenever the Plffs asked him to give it up; that he (4th Dft) has been performing the Poojah without giving any cause for complaints since 1851, and has been receiving the monthly pay attached to his Huck; that there is no reason for his being made the 4th Defendant; and he prayed that the Plaintiff's claim may be rejected

7. Nine witnesses cited by the Defts were examined: The 1st witness deposed that he is aware of nothing on the subject of the Poojaree Huck of the parties in dispute; & that 10 or 12 years ago, the 3d Defendant Krishniah complained that the 1st Plaintiff stole some of the Jewels of the temple, and the deponent, who was one of the Punchayets in

the

end

the case, attested a cellalazer to the effect that the 1st Plaintiff was guilty of having stolen some of the temple property. The 2nd witness deposed that he knows nothing about the Huck in dispute, but that the Plaintiffs and Defdts have been performing the Poojah for 10 years The 3rd pleaded total ignorance on the subject The 4th deposed that both the parties perform the Poojah since 30 years. The 5th deposed that the ancestors of the Defendants who were the original Huckdars to the right in question employed the ancestors of the Plaintiffs as their substitutes for performing the Poojah during their absence. The 6th stated that he does not know who are the Huckdars, but that the Plaintiffs and the Defendants perform the Poojah each for 1 month by turns. The 7th stated that both the parties performed the Poojah by turns for the last 20 or 25 years; that his (deponents') ancestors used to say that the ancestors of the Plaintiffs who were the Huckdars, employed the ancestors of the Defendants as their substitutes for performing the Poojah during the absence of the ancestors of the Plaintiffs on occasions of births and deaths in their family. The 8th deposed that his ancestors used to say that the ancestors of the Defendants

since 10 or 16 years, both the parties have been performing the Poojah, but the deponent is not aware on what terms they did so. The 9th deponent that since he attained his age of discretion, both the parties have been performing the Poojah

8. Four individuals who hold shares with the Defendants in their 6 months' Poojaree Huck addressed Petitioners stating that the claim of the Plaintiffs as set forth in their plaint, is just and that the Defendants have unjustly usurped their (Plaintiffs') Huck. Two of those individuals named Sunjeeviah and Venkata Kristniah deposed that the Plaintiffs are Huckdars to 6 months' Poojah, and the Defts for 6 months' Poojah; that the 1st Plaintiff had been performing the Poojah himself, but since 15 years, he has appointed another person as his substitute; that the deponents also perform the Poojah by turns with the Defendants Another of them named Sunjeeviah stated that he performs the Poojah in his turn, but he is aware of nothing more.

9. In the order issued by the Superr to the Amildar on the 31st March 1857, No 150, it is stated that until after the completion of the investigation into the complaint of the 3d Defendant Kristniah, against the 1st Plff, who is charged to have stolen the temple property,

the

effects

the 1st Plaintiff should not be permitted to perform the Poojah.

10. The Amildar appointed the 3d Plff Krishnah to perform the Poojah, but the Kinsmen of the 1st Plaintiff objected to Krishnah's appointment, whereupon the Amildar reported the matter to the Superte. and stated that he has appointed one Seroomaliah, a relation of the 1st Plaintiff to perform the Poojah in his stead. The Superte. thereupon issued an order No. 158 dated 7th April 1851, to the effect that until further orders, the 1st Defendant Seroomaliah, if found fit, may be allowed to perform the Poojah. In another order issued to the Amildar by the Superte. dated 10th October 1851, it is stated that as it would appear from the Proceedings Mahazer &c. submitted by the Amildar that the 1st Plaintiff admitted his having misappropriated some of the temple Jewels, the value of such Jewels should be recovered and reported, after which further instructions would be issued for guidance.

11. On the 28th March 1867, the Amildar passed a decision to the effect that the Plffs should perform the Poojah for 6 months and the 1st 2d and 3d Defendants for 6 months, and that the 4th Defendant who was a representative

of the 1st Plaintiff appointed in his stead when malpractices were proved against him, had no Huck to perform the Poojah. The grounds of the decision are that the order of the Foujdar alluded to by the Defendants is not on record; that the malpractices of the 1st Plaintiff cannot deprive his family of the Huck, and that the joint possession of the Hucks by the Plffs and Defendants for the last 30 years has been proved by witnesses; that there is no documentary evidence that the Defendants alone are the original Huckdars; that the appointment of the 4th Defendant to perform the Poojah instead of the 1st Plaintiff was only made as a provisional measure, to take effect till further orders; that as it is stated in the Superts order that the value of the jewels misappropriated by the 1st Plaintiff should be recovered, and that further instructions would afterwards be issued, and as it does not appear that any further orders were passed in the case, the 1st Plaintiff is responsible to make good the value of the jewels, but he cannot be deprived of his Huck, that if the 1st Plaintiff be declared by the Sirkar to be incompetent to perform the Poojah, either his sons, or the 2d 3d and 4th

Plffs

ejas

Plaintiffs are entitled to the Huck.

12. The 1st 2d and 3d Defendants appealed on the grounds that the Poojaree Huck was their own exclusive right, as could be proved by incontestable evidence, documentary as well as oral; that as 1st Plaintiff had forfeited whatever right he had, owing to his misconduct; his heirs or alleged heirs (the other Plaintiffs) could not advance a claim through him

13. The Deputy Superttt after perusal of all the record ordered that the matter should be submitted to a Punchayet, and one was accordingly convened at Bangalore, and they confirmed the opinion of the Cullahazer filed in the Original Court.

14. On the 18th September 1869, Captn Logan, the 1st Class Assistant Superttt reversed the decree of the Amildar and passed a decision[x] to the effect that the Defendants be invested and installed in the Poojaree Huck in question on the following grounds:— that the 1st Plff was dismissed from the temple for having misappropriated its Jewels 20 years ago, and the 4th Defendant has been performing the duties in his stead since that date, that ac-

[x] in English herewith put

Chief Commissioners in his Secretary's letter No. 593/137 of the 3d. May 1869 to the effect that 'when a Shanbhog is dismissed for embezzlement, all claims of himself and family pass away, the Plaintiffs forfeited their hereditary claim to the Poojareeship, when the 1st Plaintiff was dismissed for malpractices.

15. The Plaintiffs made their Special Appeal to the Supertt, and the 1st Plaintiff alleged that he was not dismissed, and that the Punchayet has awarded 6 months Poojah to him.

16. The Supertt passed a decision dated 24th January 1870, to the effect that it is evident that the Defendants have been in full possession for about 15 or more years; that this possession has been admitted by Plaintiffs and has been uninterrupted; that it is evident that the 1st Plaintiff was dismissed for stealing the temple Jewels; that the Chief Commissioner's letter of the 3d May 1869 applies accurately to such cases and that the Assistant Superty acted quite correctly in dismissing the claim.

17. Lutchmi Narasiah, the 2d Plaintiff addressed a Petition to the Chief Commissioner

on

on the 25th February 1870, stating that the Poojaree Huck in question was awarded to him by the Circular, in accordance with the orders issued from the Hoozoor, that Shamiah and Kristniah the 1st and 3d Defendants having appealed, the Assistant Supertt passed a decision in favor of the Defendants, without proper enquiry; that the Plaintiffs then appealed to the Supertt; but his Subordinates, taking advantage of the bustle and confusion of the preparation that Officer was making to proceed to Europe on Sick Certificate, misrepresented facts to him, and caused the Asstt Supertts decision to be confirmed; that the Assistant Supertt states in his decision that the Poojaree Huck is something like a Shanbhog Huck; that the Shanbhog of Lukkoor of the Shanmapatna Talook having practiced fraud towards the Sirkar was dismissed the Office; that he (Petitioner) applied for copy of the order passed in the above case which the Supertt refused to give him; and he requested that the Supertt may be ordered to give him copy of the order.

18. It would appear from the records in this Office that in 1855, the 3d Defendant Kristniah resented Services to the Commi

claiming the share of the Poojaree Huck of the
suspended Poojaree Alasingariah, and those
Petitions having been forwarded to the Superin-
herewith submitted: for report, that Officer reported in his letter
No. 21 of the 12th January 1856, that it appears
that Alasingariah and Kristniah used to
officiate by turns in the office of Poojaree
but that when the former was suspended
from this office on 31st March 1857, Kristniah
was disappointed; because the entire Huck
was not given over to him; and that Alasin-
gariah's forfeited share was conferred on
his Kinsman Seroomaliah. The last Petition
of Kristniah was, as suggested in the Duftar
re-with perused up- Memo* No. 15 dated 30th April 1856, it seems,
endorsed to the effect that "the Commissioner
sees no reason to cancel the appointment
made by the Superttt. of Seroomaliah to offi-
-ciate until further orders, as Poojaree in
room of Alasingariah suspended, the Petitioner
(Kristniah) not being entitled to the entire
Huck, according to the Amildar's report
on this case."

Alasingariah was dismissed for
theft of property entrusted to his charge
as far back as 1851 and with an offence

of breach of trust, he must be considered to have forfeited all right to Office. I am of opinion, that the Superintendent has properly confirmed the decision of the Deputy Superintendent in favor of the defendants.

A. R. Cabaniss

Bangalore
12th May 1870

I concur, tho' I'm inclined to leave such questions relative to the Officiating Priest-hood to the People themselves.
13.5.70

13.5.70/

It seems to me that the decision passed in this case have not been sufficiently considered.—

There is no doubt of the 1st Plaintiff Alasingaroch's having been a Co-sharer in the Pargaiee rights of this temple, and that he was "suspended" therefrom on a charge of theft of ornaments, his Emolument (Vide 4th Defts.) being appointed to "officiate in his room." — The terms of

temporary one, at the time
he [illegible] subsequent Order No.
of 10th Feb/57 the Supt. in reply to
the Auditor's Report of the case states
that Akwinjaiak having admitted
the theft, the value of the jewels
should be ascertained & deducted
after which further instructions
would be issued for Guidance

There is apparently no record of
the recovery of the value of the jewels
& of the issue of any further in-
structions in the case as of further
proceedings having been taken against
Akwinjaiak; and the next reference
to it is contained in the corresp. of 1856
the Supt. in his No. 21 of 12th Jany/56 when
they refer in reference to a petition of Richard
13th Defd.) asking the Rock Fish & the
measures taken by him "for disposing
of the case" as shown in his order of 7
April 1857 - by "that Akwinjaiak's fine
forfeited shall have been thereby con-
firmed or his Lieutenant Governor
The Memo of the Officer of the Govt. with
the latter's order thereon of 30th Apl. 1856
states that the proceedings of the
Enquiry had not yet been received
from the Auditor, who had stated by

Defdt

been ordered to report the result of the said Enquiry and the order goes on to say that "the Govt. does not to screen & cancel the appointment made by the Lord. of Tirconnaught officially, until further orders, as Pagania is now of Absconded & suspended &c. —

It is known also that up to this present no final order has passed in the case, that Tirconnaught has merely officially ~~as~~ Chairman with Richard Kirkman, and that the Crown prosecutor, named in the Lord. letter of 12 Jany/67 had not simply that the above Indictment is finally declared to be forfeited, and no longer to stand ~~forfeited~~ but has ~~not~~ passed —

The matter appears to have been left in this state till the proceedings in the Landlord Court in March/67, which seem to have been held on the suit of the Plaintiff for restitution of his Holds, and I therefore conceive that a decree of forfeiture was never passed against him, & that the application to his case of the terms of the Chief Govt. order of 3rd Jany/69 the forfeiture of Estate inflicted by & guilty of breach of trust — is a species of constructive legality, such as

The 4th Defts Timmerhuis of
the right he had to the Stock as
Nieuman / and, it is to be presumed
correct Nieuman / of Abbeyfarick,
which formed the ground of his ap
pointment in 1857, and to him
merely that denied from Participa-
tion. -

While, therefore, I consider that
the circumstances of the case warranted
the Court, to which the 1st Plaintiff
[illegible]
refusing to interfere with the
arrangement by which Timmerhuis
has been so long in the Enjoy
ment of the Property in
question, their decision should
[illegible]
on that view, and without prejudice
once to the order of their Defendants

A. Lord Other of the 2nd
: the father of the
1
s was the brother of the
[illegible] and 4th Defts. The 4th
Defts

Note: The Pet is to be informed
[illegible] & decision & intimation
in his case

13.5.70

10-5-70

Chey,
The Jan,
Guilty of
[illegible]
[illegible]

A.146 Memorandum

In obedience to the Chief Commissioner's order on Petition Registered No. 345 dated 22nd April 1870, addressed by the Additional Special Appellants (Original Plaintiffs) in the case marginally noted, I beg to submit the following report on the proceedings received with the Nandidroog Division Superintendent's Docket No. 448/97 dated 29th June 1870

Plaintiffs

Alasingariah Lutchmee Nursiah } Sons of Poojaree Dasappah.
Singiah Singariah } Sons of a younger brother of the above said Dasappah

(Addl. Spl. Appellants)

Defendants

Shamiah Kristniah } Sons of Kunnamunga = Cum Venkata = sungeemah.
Kristniah. son of a sister of the 1st & 2nd Plff's Mother

(2nd Addl. Spl. Respondents)

2. On examining the proceedings and the records of the Mooroi Department in this office, the Defendants do not appear to be cousins of the Plffs but distant relations by a marriage connection. The 1st Plff Alasingariah who was deprived of his right to perform Poojah on the complaint of the 3rd Defendant Kristniah, is the elder brother of the 2nd Plff Lutchmee Nursiah. The father of the 1st and the 2nd Plffs was the brother of the father of the 3rd and 4th Plffs. The 4th Defdt

Defendant 4 Iramalinda is the son of the sister of the 1st & 2nd Plffs' mother, and is not therefore of the male line of the family of Pemmasanis.

3 The dispute between these parties regarding the regular performing Poojahs was commenced with the year 1833.

4 In the said year 1833, one Iramalinda a brother of the 1st & 2nd and 3rd Defdts sued Dasappah father of the 1st & 2nd Plffs in the Vizianagaram Sadder Court for the recovery of the entire Stock of the Poojahs, some proceedings took place, but it does not appear that any decision was passed.

5. The Plffs and the Defdts (the 1st, 2nd & 3rd) seem to have continued to perform the Poojah each for six months by turns and that there are other sub shareholders in each of them

6 From the proc of

complaint of the 2nd Defdt Kristniah
in the year 1851 against the 1st Plaintiff
charging him with having misappro-
priated some of the temple Jewels &c
it would appear that it has been the
custom, for each of the Shareholders
of the Gooyah to keep exclusively in
his possession the ornaments &c presen-
ted to the temple by Votaries during
the term of his office. The temple jewels
which were accordingly in the respec-
tive charge of Casingaraiah (1st Plff)
and the 2nd Defdt Kristniah were
examined by the then Amildar and
Chennappiah, Rail Sheristadar, of the
late Bangalore Division, marked and
returned to them respectively, having
taken from them Moochilkas binding
themselves not to misappropriate the temple
property.

7. While the above enquiry
was going on, Casingaraiah (1st Plff)

went

went away to Bangalore, and the Amildar made a report of the same to the Supt.ᵈᵉⁿᵗ, upon which was issued an order No. 750 dated 31st March 1851 to the effect that Alasingaria's attendance should be secured through the Amildar of the Bangalore Talook and a report submitted after com-=pletion of the enquiry together with a Mahazer, and that the 1st Pliff should not be allowed to perform the Poojah till further orders may be issued after the completion of the investigation.

8. The nearer Kinsmen of the 1st Pliff objected strongly to any other person being appointed to perform the poojah in place of the 1st Pliff. The Amildar, however, recommended Veeroo-=abiah (4th Defdt), though no member of the male line of 1st Pliff's family, (being the son of the 1st Pliff's mother's sister) to be nominated to perform the

dated 4th April 1851, to the effect, that on the Amildar's responsibility, the 4 Pagan Pramanik, if found fit, may be restored to perform the poojas in room of the 1st Pujk until further orders.

9 During the enquiry made by the Amildar into the complaint of the 3rd Defdt against the 1st Defdt charging him with having misappropriated the temple property, a Hatiziya was given by Punchayet to the effect that the 1st Pujk is responsible for all the moving property of the temple. The Amildar reported in his proce No 389 dated the 14th August 1851 that the 1st Pujk, is responsible for an umbrella of the temple which the 1st Pujk admitted as being in his possession, and for a gold necklace stones & have been entrusted to him for the use of the temple, and that no evidence was forthcoming, of his (1st Pujk's) having taken any other jewels of the temple.

On

10. On the 10th October 1851, the Pltff. received an order to the Amildar to the effect that the value of the Cumbrelli and of the necklace should be recovered from the 1st Deft, and reported, after which further instructions would be issued for guidance

11 In the Amildar's weyzee No. 939 of the 17th August 1851 to the Supty, it was reported that the 1st Defdt Shamrao complained in the late Judged Moonsiffs Court against the 1st Pltff, and his father in the year 1846, charging them with having stolen a necklace and other jewels of the temple and pledged them for a sum of money borrowed; and after enquiry, the 1st Pltff Ahasingarida was acquitted and released from confinement according to an order issued by the Judged Moonsiffs Court No. 6 dated 25th June 1846.

of the 20th July 1853 was given to Basavigapa from the Judged Moonsiffs Court on the subject. It would then appear that the matter of the necklace was allowed to pass off.

13. In the year 1853 the 1st Petition Basavigapa presented one urging the Commissioner requesting the restoration & claim of his Stock & property, from Piramalai the 4th Pangal. The matter was enquired into and the proceedings and Malazar of Punchayets submitted with his opinion by Madhava Row, Overseer of the Moozrai & Carnam as follows

14 It was proved by the evidence of aged men of the village and by the Sunnuds granted to the forefathers of the 1st Petitioner by the Ramnad Zyder Ally and Ananthia Ramappa, son of Varna Poornia, and from a Malazar given by the resident merchants of the place in

in the year 1846, that the 1st Pffs ancestors were the Muckdars to the Poojaree regd in question that the ancestors of the 1st 2nd & 3rd Defdts were called in by the Pffs ancestors to assist them in performing the poojah, when the ancestors of the Pffs were absent; that they (the ancestors of the Defdts) had always conducted themselves under the directions of the ancestors of the Pffs, but through the instigation of some ill-willed people, the Defdts challenged the Muck of the Pffs ancestors, and caused main disputes; and that the 1st Pff is the Muckdar to the Poojah in question. The matter of the necklace alleged to have been stolen by the 1st Pff was also enquired into, and the person who presented it to the temple deposed that the 1st Pff's father to was the on

that the deponent saw not much time
the 1st Offr and the 2nd Offr being sufficient
to supervise dominion; and further he
does not recollect who was performing
the pooja when he first reached the spot
=case of the temple; that the zamindar
who made the necklace is dead, and
the deponent can not prove by any oth
evidence the fact of his having presented
it to the temple.

15. The Panchayet were of opinion
in their Judgment that there are not
sufficient grounds to commit Alavandaram
(1st Offr) of having misappropriated the
necklace; that the 1st Offr cannot be charge
with having defrauded the temple of
the umbrella in question, which was in
fact pawned, and the 1st Offr states
that he gave some things belonging to
it to certain persons and he gave to the
charge of the villagers a new umbrella
instead

unload of the old one, witnesses covering debt to be produced; and that the 3rd Deputy Krishniah should be criminally tried as he was charged with having stolen some of the temple property. The Moonsiff Cuttuck Madhava Row concurred in the Malwazum of the Punchayet and he was of opinion that it is proper that the 1st Deputy Alasingariah should be ordered to perform the Poojah.

16. It does not appear that any judicial orders were issued from this office on this subject.

17. In the year 1854, the 3rd Deputy presented urzees to the Amildar and the Commissioner, claiming the whole duck of the Poojah, and requesting the recovery for him of the share of Poojaree Duck enjoyed by the 4th Deputy Tiramaliah. The proceedings of the

of the Moosjee Dupty were forwarded to the Amildar. From the proceedings then submitted by the Amildar after some further enquiry, it would appear that it was proved by the witnesses of both the parties that the Pliffs and the Defdts had been performing the Poojah by turns, and that the ancestors of the 1st Pliff Alasingraich were the Huckdars to the Poojaree right.

18. The Pliffs have appealed to the Chief Commr against the Dupty's decision in favor of the Defdts, and in their Petition dated 22nd April 1870, under report, they state the facts of the case, as above detailed, and urge the following points in particular.

Mr English requests put up

The Defdts have been unjustly in possession of the Poojaree Huck in question, and the Dupty makes their possession a ground for his decision in

in their favour, but this proposition has been from the commencement objected to by the Defts, who have continued to assert their right to the Puck and the issue of the order of the late Bangalore Govt, suspending the Pltff from performing Poojah.

2. That the Pltffs are still in the enjoyment of some of the rights of the Puck, which has not been objected to by Defdts, and this proves that the Pltffs are the proper Puckdars.

3. That the Pltffs' good conduct and their right to the Poojaree Puck are borne out by the Mahazar, dated 10th March 1870, given by the inhabitants of the Channapatna Hobli. *Copy in produced.

4. The Chief Commrs letter of 3rd May 1869 does not apply to the case of the Pltffs as considered

P

5. The 1st Pltff was never, during
-ed, and even if he was guilty, of mis-
-conduct, which has not at all been proved,
his regret at Poojah should be visited
upon his son, or his near relatives viz
the 2nd, 3rd and 4th Plaintiffs. The 4th Defdt
has nothing to do with the Stock nor
does he belong to the family of the Pltff

In accordance to the Chief Commissioners
order passed on Memo No 81 of the 12th May last,
herewith put up, they to submit that Hearing in
the 1st Plaintiff seems in all probability to have
made away the Jewels of the Temple & has
not shown that it was replaced and the Necklace
affair too strongly goes against him — No
definite order however appears to have passed
either condemning him or pronouncing him
innocent —

It is shown that the Plaintiffs have
had the Poojah Stock in their enjoyment for
6 Months in the Year while the three defendants
from Nos 1 & 3, sons of the Sister of the 1st Plaintiff
have had the other six months in their enjoy-
-ment.

I am of opinion that the prayers of the
1st Plaintiff to nominate his Son or any one
of the remaining Plaintiffs to his Poojarie Stock
may be complied with, in consideration
that no guilt was brought home against
him — By this arrangement the Plaintiffs
will have to enjoy the Stock for six Months
in the Year & the three defendants

Shanmiah Varentrayah & Kishniah will have the other six Annas while Seshamma Iah, the 4th Defendant, who was only nominated to act temporarily, during the 7th Plaintiff's Majority's suspension, on the recommendation of the Auditor will be relieved.

N. Z. October 1870 — E. B. Sullivan

This case was reviewed by the Ch. Com. & disposed of in our Proc. No. 31 of 12 Aug 1870. In that Memo the Dist. upheld the Supt's decision; but now virtually recommend it's reversal, without assigning any cause for it, except by stating that it is shown that Petts. had enjoyed the "Inam" for 6 months in the year. — The Supt. in his decision declares that the Defts had been in full possession for about 15 years or more.

2. In letter No. 21 of 12 Jan. 1856, the Supt. of the former Bangalore Div., Lieut. Haines, in the last-para, declares that "Narsinganiah forfeited what was conferred on his Kinsman Timmaliah". — I do not think I concur with the opinion that the 4th Defts should be relieved, & that the 7th Plff should now be allowed to resume the relatives. — The Ch. Com. has already declined to interfere with the Supt's decision. —

21 0

The case having been once disposed of ought not to have been again taken up, & it would have been sufficient & proper Petitioner & the order already stayed which will now be done with an intimation that his petition is rejected

Edmonds

22.10.70

The Registrar's attention should be drawn to the discrepancy in the opinions of the Justices & Secretary appeals &c.

According to the Chief Commissioners remarks noted above they to explain that the first Division Rule Dr 31 of 12th May last was submitted upon a

Petition from one of the Plaintiffs in the case and the conclusion then arrived at, were based entirely on the Papers & Plans before me. But after the submission of the Draws for the Chief Commissioner's order, a Regular Appeal Petition addressed to the Chief Commissioner by the Plaintiffs was sent to the Office ~~Office~~ Office calling for a Report on the case with instructions that the Proceedings should be addressed explaining the original to a Jetty

Subsequently

sent for if required. & Letter a Note (perhaps) to the Secretary the circumstances requesting that Draws may be returned with a view & retained upon it being drawn up after examining the Proceedings accordingly on receipt of the entire Drawings which were called for this second Report was submitted together with the original Report containing the Chief Commissioner's orders and having been in possession of the whole particulars of the Case, I was induced to form a different opinion from that which I had arrived at previously - Hence the discrepancy pointed out. -

27th October 1870 A. R. Schumpeter

S. A. Case
1770

10.70. I have given Everything due the case & see no grounds for interfering in it - The main - as above - here - to

25/3/70

C 63

Letter
From Superintendent 2 Dr
To the Secretary to the Chief Commissioner of Mysore
Dated 22nd
Despatched 23
Received 24th March
Enclosures No. 1 & Rec.
General No. 562 } 1869-70.
No. 122 }

With reference to Ferozed Official Memo: No 2260 of the 9th March 1870 forwarding for report a petition from Lutchmee Narsiah Cheluck of Bujanaigasaurum Naroo Canum of Hewadully viz the Chemapatna Taluk the undersigned has the honor to submit for the Chief Commissioner's information

Returns returned.

Memo No 231 of 12/5/70 for

Petition from one of the Plaintiffs in the case and the conclusion there arrived at were based entirely on the Papers at that time before me. But after the submission of the

information the proceedings (if original) which have passed in the Revenue Courts on the subject of the Petitioner's claim to a share in the Poojari Muck of the Anja nayakaswamy Temple.

Asstt Superintendent

Offg Superintendent
& Deputy Commissioner &
Divisional Magistrate — 24/3/20

1870.

From

To The Superintendent of the Nandidroog Division.

Dated 19th May 1870.

Despatched 21st "

Received

Rec'd 26th "

Enclosures No.

General No. 895 } 1870/71.
Genl No. 48 }

Your Docket No. 526/527 dated 22nd March 1870.

Requests that the entire Proceedings of the Original Court in the case noted in the margin may be forwarded to this Office, as they were not received with the above.

"By Order"

19.5.

Asst Secy.

Offg Secretary.

Copied 75 Dy 71/72

Draft in notes

Special Appeal Case No. 50 of 1869/70 of the Nandi Dn Supltt's Court.

Special Appellants.

7. Hanumajariah, 2. Lutchmi Narasiah, 3. Lingiah, 4. Sungariah } of the Davara Hosahully Veil. Cope Channapatna Taluk.

(Original Defts)

Special Respondents.

1 Shamiah, 2. Venkatrayah, 3. Kristniah, 4. Seroomaliah } of the same Village.

(Original Pffs)

Petition from one of the Plaintiffs in the case and the conclusion then arrived at was based entirely on the Papers & Plans before me.

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27th Oct

10.70. I have given the fullest consideration to the case & see no grounds for interfering in the ... ' ... to the ... to

C63

1 No

From Superintendent
Revenue Survey Madras
To Secretary to the
Chief Commissioner
Dated 16 June 1870
Despatched
Received 18th
Entered
No. 1870 71

Forwards Appeal Memorandum
dated the 1st instant praying Order
to a Petition from the Ryots of
Devarasholakally, Chengum-
pattu Taluk.

Returns the Petitions and
states that the matter of the
Petitioners Representation is
now under the Consideration
of the Chief Commissioner, the
Record of the Proceedings of
this Court on the Revenue Side
having been forwarded to the
Secretary with this Office

Secretary

Memo 2014 8/11/12/70

Petition from one of the Plaintiffs in the Case
and the conclusion there arrived at were
based entirely on the Papers at that time
before me. D
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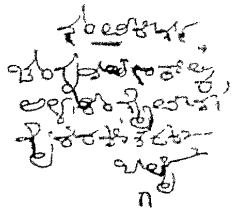
27th Octo

Docket No. 5626/529 of the 22nd March last.

The Proceedings of the Lower Courts called for
in Docket No. 895/1487 of the 19th Ultimo will be forwarded
as soon as received from the District

Thos. H. Kelly
Offg Depy Secretary
& Auditor for repn
18.6.70

20th 10.70. I have perused carefully the
case & see no grounds for interfering in
it. The main facts as above have to



1870

From

The Superintendent

Kurdistrey Division

To

The Secretary to the

Civil Commissioner

Dated 29th June

Despd 30 —

Recd 1st July.

General No 1870-71.

The Secretary to the

No. 205 Dt. 29th June

Has the Honor to forward the entire record in the case marginally noted as called for in the above.

Special Appeal case No 850 of 869 -
of the Principal Sudder Ameen
Special Appellants
1 Allasingaraid
2 Sitchum Kurrea
3 Lingaah
Sunnyasah
of Kasa-ude, Chen-
napatnam Talook.
Original Plaintiffs

Special Respondents
Shamiah
2. Venkatroyah
3. Kristnah
4 Veeramallah
of the same Village.
Original Defendants

Rgd 1/7/70. Issues 2/146 8/11/1870. Superintendent